

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Application of Verizon New Jersey Inc. and)	WC Docket No. 13-150
Verizon New York Inc. to Discontinue)	Comp. Pol. File No. 1115
Domestic Telecommunications Services)	

**COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom) submits these comments in response to the Federal Communications Commission's (Commission) above-referenced Public Notice (*Notice*).¹ In its *Notice*, the Commission seeks comment on the Application of Verizon² (*Verizon Application*) to discontinue certain interstate telecommunications services in certain parts of New Jersey and New York affected by Superstorm Sandy. Verizon seeks Section 214(a) authority to grandfather and/or discontinue provisions of its interstate wireline telecommunications services, in the western side of Fire Island, New York, and limited areas of the New Jersey Barrier Islands where copper wireline facilities were destroyed or rendered inoperable by Superstorm Sandy. For these limited areas, Verizon is providing voice service to its customers using its comparable Voice Link product that uses wireless technology.

¹ See, Public Notice, *Comments Invited on Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, DA 13-1475 (June 28, 2013) (*Notice*).

² Letter from Frederick E. Moacdieh, Executive Director, Federal Regulatory Affairs, Verizon, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission (filed June 7, 2013) (*Verizon Application*) (available at <http://apps.fcc.gov/ecfs/document/view?id=7022424983>) (visited July 23, 2013).

As noted in the *Verizon Application*, the devastation from Superstorm Sandy in the area of Fire Island was “unprecedented and unforeseeable, with some areas without commercial power or usable infrastructure for many months following the storm.”³ Upon evaluating the extent of the damage to the affected areas – particularly the western region of Fire Island – Verizon noted that portions of its facilities were “literally washed away by Superstorm Sandy.”⁴ Given the extensive destruction to Verizon’s wireline infrastructure in these areas; the limited geographic scope of its request; and the unique engineering circumstances surrounding its request, USTelecom supports grant of the Verizon application.

I. THE UNIQUE DEMOGRAPHICS AND ENGINEERING CHARACTERISTICS ON FIRE ISLAND WARRANT A REASONABLE APPROACH TO SERVICE RESTORATION

As the Commission has recognized in other contexts, most notably with respect to universal service reform, there is no one-size-fits-all best approach to providing basic telecommunications services to all areas of this vast country. Rather, carriers need flexibility to design their networks to unique circumstances in order to best provide reliable, quality service. The flexibility needed in order to restore services to Fire Island residents is of critical importance to Verizon given the unique demographic and engineering characteristics of the Fire Island area. For example, the number of year-round residents on Fire Island is estimated at anywhere between 292 and 500 residents, including those on the less damaged eastern side of the island

³ *Verizon Application*, pp. 1 – 2. The damage to Verizon’s infrastructure on Fire Island is hardly surprising given the scope of Hurricane Sandy. In addition to being the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, it was second-costliest hurricane in United States history, with assessed damages in excess of \$68 billion, a total surpassed only by Hurricane Katrina. Hurricane Sandy affected 24 states, including the entire eastern seaboard from Florida to Maine and west across the Appalachian Mountains to Michigan and Wisconsin, with particularly severe damage in New Jersey and New York.

⁴ Tom Maguire, Guest Editorial: Verizon Remains Committed to Fire Island With Voice Link, June 19, 2013 (available at: <http://stopthecap.com/2013/06/19/guest-editorial-verizon-remains-committed-to-fire-island-with-voice-link/>) (visited July 23, 2013) (*Verizon Guest Editorial*).

(where copper continues to function).⁵ Moreover, after Verizon studied the pre-storm voice traffic on and off the island on both Verizon's wireline and Verizon Wireless' networks, it concluded that 80 percent of the voice traffic was wireless, and could be significantly higher once other wireless providers were factored in.⁶ In other words, wireless was already the overwhelming technology choice for people on Fire Island for their voice services.

Moreover, Verizon faced unique engineering and environmental issues on Fire Island and some areas of the New Jersey Barrier Islands. In the areas that were significantly impacted by Superstorm Sandy, Verizon noted that "repairing or replacing damaged facilities would require significant work that would only exacerbate existing infrastructure issues."⁷ For example, it noted that replacing the damaged facilities on Fire Island would require "digging up the island's main road at repeated intervals."⁸ In addition, the continued threat of prevalent storms in the area, coupled with the "ongoing possibility of continued ground and seawater contamination" made it likely that any restoration efforts "would be temporary."⁹ The continuing environmental threats weigh heavily against deployment of new copper facilities.

Verizon concluded that the costs associated with rebuilding its outdated copper landline facilities to restore services to the approximately 500 full time residents of Fire Island would range from approximately \$4.8 million to more than \$6 million.¹⁰ And, given that at least 80% of voice traffic was already wireless, Verizon expressed reasonable doubts that its multimillion

⁵ See, U.S. Census Bureau, American Factfinder, (available at: http://factfinder2.census.gov/bkmk/table/1.0/en/DEC/10_DP/G001/1600000US3625839) (visited July 26, 2013); see also, *Verizon Guest Editorial*.

⁶ *Verizon Guest Editorial*.

⁷ *Verizon Application*, p. 3.

⁸ *Id.*

⁹ *Id.*, p. 4.

¹⁰ *Verizon Guest Editorial*.

dollar rebuilding investment could be recouped through subscriptions to services provided over copper wireline facilities.

Similarly, in the Barrier Islands, there are some limited areas where Verizon's wireline facilities were destroyed by Sandy or rendered inoperable, and where the area is vulnerable to future storm and weather damage. Customers in these parts of the Barrier Islands have access to an alternative cable service.

II. VERIZON'S PROPOSED VOICE LINK PRODUCT IS A REASONABLE SUBSTITUTE FOR THE DISCONTINUED SERVICES

The issue before the Commission is narrow, and relates only to interstate telecommunications services that are no longer available in a limited portion of Fire Island and an even smaller area in the Barrier Islands. The New York Public Service Commission has already considered and addressed on an interim basis the adequacy of Voice Link more generally to provide dial tone service on Fire Island.¹¹ The Commission should therefore grant Verizon's application, since the services it and other providers are offering to Fire Island consumers through its Voice Link product and other available services provide reasonable substitutes for the interstate telecommunications services previously offered over the copper facilities. Despite the difference in technologies used to provide Voice Link to Fire Island residents, the voice services offered are comparable, as is the customer experience.

Verizon's Voice Link product – like voice service provided over copper – uses regular home telephone handsets and existing wiring and jacks within the consumer's home. Voice Link also provides customers with fully enabled E-911 capability, assistance services,

¹¹ See, State of New York Public Service Commission, *Order Conditionally Approving Tariff Amendments in Part, Revising in Part, and Directing Further Comments*, Case 13-C-0197, May 16, 2013 (available at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={C0F21317-B7CE-4AEE-9A38-3393D1DEB670}>) (visited July 29, 2013).

telecommunications relay services, directory listings, and customers will be able to obtain non-published service. Voice Link customers receive unlimited nationwide calling included as part of the service. Depending on a customer's plan, Voice Link also offers a variety of additional features, including Call Waiting, Call Forwarding (includes no answer/busy transfer), 3-way Calling, Voice Mail, 411, Caller ID (with Return Call), and Caller ID Block. Total charges for Voice Link will be comparable to or less than the total price previously paid by the customer for voice service over copper facilities, and there will be no installation charges. For data customers, Verizon will refer customers to a Verizon Wireless specialist for 4G LTE broadband services in Voice Link areas.¹²

Consumers using Voice Link make and receive calls just as they would using a wireline technology, at a price that is the same as, or lower than, their previous wireline service. While minor differences exist between Voice Link and features offered over copper – for example, use of facsimile machines – Verizon is working cooperatively with both customers and other entities to “help identify additional options for those functionalities” that may not work over the Voice Link offering.¹³

In short, for the vast majority of Fire Island residents, there will be little if any apparent change to the way they have received service in the past. The Commission must afford carriers flexibility when making network engineering decisions in how best to provide such services to consumers.

Verizon’s proposal for service restoration to Fire Island acknowledges the unique characteristics present in the Fire Island community and the small included areas of the Barrier

¹² *Verizon Application* at pp. 4-5.

¹³ *Id.*

Islands, including the demographic realities and scope of damage to its existing network. In an environment such as this, Verizon – and other similarly situated carriers – should be afforded the opportunity to carefully consider all technological options that would be most effective in meeting consumers’ immediate needs. Here, Verizon is merely using the most efficient technology to best and most quickly serve consumers impacted by a catastrophic weather event.

III. CONCLUSION

The Commission should promptly grant the Section 63.71 Application of Verizon New York Inc. and Verizon New Jersey Inc.

Respectfully submitted,

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